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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,901	08/21/2003	Seung-Chul Park	1293.1959	6424

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EXAMINER

NEGRON, DANIEL L

ART UNIT PAPER NUMBER

2627

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,901

Applicant(s)

PARK ET AL.

Examiner

Daniell L. Negrón

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 16, 20-23, 25, 26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 16, 20-23, 25, 26, and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2, 3, 5-7, 10, 11, 12, 16, 20-23, 26, and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 2, 3, 5-7, 10, 11, 12, 16, 20-23, 26, and 28, the rejections applied to claims 2, 3, 5-7, 10, 11, 12, 16, 20-23, 26, and 28 in the previous Office action mailed March 23, 2006 are herein repeated for the same reasons (see Response to Arguments).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, 13, 16, 20-23, 25, 26, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks et al U.S. Patent Application Publication No. 2003/0197968 in view of Serrano et al U.S. Patent No. 6,181,500.

Regarding claims 1 and 4, the rejections applied to claims 1 and 4 in the previous Office

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action mailed March 23, 2006 are herein repeated for the same reasons (see Response to Arguments).

Regarding claim 2, Sacks et al disclose a method to write servo information on a disc in a disc drive comprising all the limitations of claim 1 as discussed above, but fail to explicitly disclose if errors do not occur in the cylinder at the predetermined distance from the cylinder having skew '0', track defect processing all tracks within the predetermined distance from the cylinder having skew '0', such that a normal search operation cannot be performed.

However, Serrano et al disclose a method wherein if an error does not occur in the predetermined location, the remaining portion of the disc is read for defect detection for the purpose of eliminating servo information that may contain errors (column 6, lines 29-47). Furthermore, since Serrano et al discloses detection of servo errors during a servo write/rewrite process, it is considered that "normal search operations" do not occur during such servo write/rewrite process.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of writing servo information disclosed by Sacks et al with the disclosure of servo information inspection of Serrano et al in order to check for erroneously written servo information and to correct such information therefore avoiding errors during head positioning.

Regarding claim 3, the rejection applied to claim 3 in the previous Office action mailed March 23, 2006 are herein repeated for the same reasons (see Response to Arguments).

Regarding claims 5-10, 16, 20, 21, and 22, claims 5-10, 16, 20, 21, and 22 have limitations similar to those treated in the above rejections, and are met by the references as discussed above.

Regarding claims 11, 13, 23, 25, 26, and 28, apparatus claims 11, 13, 23, 25, 26, and 28 are drawn to the apparatus corresponding to the method of using same as claimed in claims 1-3. Therefore apparatus claims 11, 13, 23, 25, 26, and 28 correspond to method claims 1-3, and are rejected for the same reasons of obviousness as used above.

Response to Arguments

5. Applicant's arguments filed June 22, 2006 have been fully considered but they are not persuasive.

On page 10 of the response filed June 22, 2006, Applicant points to paragraph 47 of the present specification to overcome the rejection under 35 U.S.C. 112, 1st paragraph however, Examiner fails to find enabling disclosure in the cited paragraph. Cited paragraph 47 merely presents the reasons for executing a "track-defect-process" and fails to designate any part or parts (i.e., steps) to which the term "track-defect-process" applies. Furthermore, the description provided by Applicant on page 10 of the current response, "...is an operation in which all the tracks within a predetermined distance from the cylinder having a skew '0' are discarded..." is not recited in paragraph 47.

In response to applicant's argument that the references fail to show certain features of applicant's invention (see response, pages 10 and 11), it is noted that the features upon which applicant relies (i.e., rewriting the servo information **for the entire disk**) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from

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the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 571-272-7559. The examiner can normally be reached on Monday-Friday (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DLN 
August 21, 2006


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER